

Notice of Allowability

Application No.

09/650,118

Examiner

Stephen M. D'Agosta

Applicant(s)

DORENBOSCH ET AL.

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to appeal brief filed 10-27-04.
2. ☒ The allowed claim(s) is/are 1,3-11 and 13-18.
3. ☒ The drawings filed on 28 August 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION
RESPONSE TO APPEAL BRIEF

Applicant's arguments, see Appeal Brief, filed 10-27-04, with respect to claims 1, 3-11 and 13-18 have been fully considered and are persuasive. The rejection with regard to the pending claims has been withdrawn based on the examiner's amendment below. Hence **claims 1, 3-11 and 13-18** are now allowed.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Hisashi Watanabe on 1-4-2005. **Please amend claim 10 to read as follows:**

CLAIM 10: A method for providing wireless communication services to a plurality of communication devices, wherein the plurality of communication devices include at least one first communication device subscribed to a first class of service and at least one second communication device subscribed to a second class of service, comprising:

normally serving all of the plurality of the communication devices using a main system component;

providing service to a particular communication device by a backup system component in response to the main system component going out of service, if the particular communication device subscribes to the first class of service;

accessing a database including subscription information of the at least one first communication device and the at least second communication device; and

terminating service to the particular communication device, in response to the main system component going out of service, if the particular communication device subscribes to the second class of service.

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance:

1. The applicant argues that "...hence, the service type described by the Iseyama patent is a property of the call, not a property of the device as required by claims 1 and 10..". The examiner agrees with this evaluation and believes the claims to be novel over the prior art of record.

2. The applicant argues that "...Davidson does not describe or suggest providing or terminating services from a backup device to a wireless device based on information obtained from a database...". The examiner agrees with this evaluation and believes the claims to be novel over the prior art of record.

3. The applicant argues that "...the termination is not done in a backup system component (backup MSC) nor the main system component (main MSC), but the termination is performed in a third, unrelated system component, namely the BSC..". The examiner agrees with this evaluation and believes the claims to be novel over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 703-306-5426. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen D'Agosta
1-4-05



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